

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RECEIVED

2008 MAR -4 P 10 14

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
ING, USA, ANNUITY and LIFE )  
INSURANCE COMPANY, )  
)  
Garnishee, )  
)  
WILEY THOMAS, JR., )  
)  
Defendant )

MISC. NO. 2:07MC 3382MHT

APPLICATION FOR WRIT OF GARNISHMENT

TO: Honorable Debbie C. Hackett  
Clerk, United States District Court  
Middle District of Alabama  
Montgomery, Alabama 36101

Please issue writ of garnishment for the seizure from the garnishee, ING, USA, Annuity and Life Insurance Company, 5780 Powers Ferry Road, Atlanta, Georgia 30327, all property held in the possession of ING, USA, Annuity and Life Insurance Company, in the name of Wiley Thomas, Jr., to compel performance of the judgment entered November 13, 2007, in this cause.

Said defendant has refused to comply with said judgment as more fully appears from the affidavit of R. Randolph Neeley, Assistant United States Attorney, attached hereto as plaintiff's Exhibit A.

Dated this 3<sup>rd</sup> day of March, 2008.

LEURA G. CANARY  
United States Attorney

By: 

R. RANDOLPH NEELEY  
Assistant United States Attorney  
Bar Number: 9083-E56R  
Post Office Box 197  
Montgomery, AL 36101-0197  
Telephone No.: (334) 223-7280  
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WILEY THOMAS, JR., )  
)  
Defendant )

MISC. NO. 2:07mc3382-MHT

AFFIDAVIT

I, R. Randolph Neeley, having been first duly sworn, depose and say as follows:

1. I am an Assistant United States Attorney and represent the United States of America, plaintiff, herein.
2. Judgment was entered on November 13, 2007, for plaintiff and against defendant, Wiley Thomas, Jr., for the sum of \$118,015.00, lump sum due immediately.
3. Defendant has made payments totaling \$1,600.00 on this judgment.
4. Defendant resides within the jurisdiction of this court at 26 Oldfield Drive, Montgomery, Alabama 36117.
5. The judgment has not been satisfied, vacated, reversed, or barred by the Statute of Limitations, and is one on which execution may properly issue.
6. Demand was made on defendant on January 24, 2008, but defendant has failed and refused to satisfy said judgment in full.

7. The balance on the judgment as of February 28, 2008, is \$116,415.00.

8. Upon information and belief, Wiley Thomas, Jr., defendant, has funds on deposit with ING, USA, Annuity and Life Insurance Company, Atlanta, Georgia, garnishee.

LEURA G. CANARY  
United States Attorney

By: 

R. RANDOLPH NEELEY  
Assistant United States Attorney  
Bar Number: 9083-E56R  
Post Office Box 197  
Montgomery, AL 36101-0197  
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Sworn to and subscribed before

me this 3rd day of March, 2008.

  
NOTARY PUBLIC